

RESOLUTION NO. PC-16-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVERSING THE ZONING ADMINISTRATOR'S DECISION AND DENYING ZONING APPLICATION ZA-15-38, WITHOUT PREJUDICE, FOR A MINOR CONDITIONAL USE PERMIT FOR A DEVIATION FROM SHARED PARKING REQUIREMENTS DUE TO OFF-SET HOURS OF OPERATION FOR A RELIGIOUS EDUCATION AND CULTURAL ASSEMBLY USE AT 3184 AIRWAY AVENUE, SUITE J

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed Salim Rahemtulla, authorized agent for Randy Shafer, the property owner, requesting approval of the following:

Zoning Application ZA-15-38, which was approved by the Zoning Administrator on December 10, 2015, is a minor conditional use permit for a deviation from shared parking requirements due to off-set hours of operation for a religious education and cultural assembly use:

- Monday through Sunday 4:00 a.m. – 6:00 a.m. and 7:00 p.m. – 9:30 p.m.
- Saturday 10:00 a.m. – 2:00 p.m.
- Sunday 10:00 a.m. – 2:00 p.m. (10 times per year).

The request was approved by the Zoning Administrator on December 10, 2015, and called up for review by the Planning Commission on December 11, 2015.

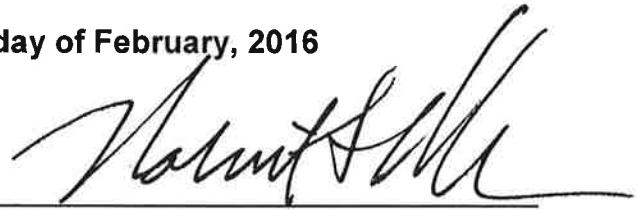
WHEREAS, a duly noticed public hearing held by the Planning Commission on February 8, 2016 with all persons having the opportunity to speak for and against the proposal; and

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby reverses the Zoning Administrator's decision and **DENIES, WITHOUT PREJUDICE**, Planning Application ZA-15-38 with respect to the property described above.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any

court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 8th day of February, 2016

A handwritten signature in black ink, appearing to read "Robert L. Dickson Jr.", written over a horizontal line.

Robert L. Dickson Jr., Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on February 8, 2016 by the following votes:

AYES: McCarthy, Sesler, Andranian

NOES: Dickson, Mathews

ABSENT: None

ABSTAIN: None



Claire L. Flynn, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS (DENIAL)

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

Finding: The proposed use is not compatible with developments in the same general area and would be materially detrimental to other properties within the area.

Facts in Support of Findings: Evidence presented during the hearing showed that the parking demand for the proposed use would not be compatible with uses in the surrounding area, specifically, an existing church with offset hours of operation at 3184 Airway Avenue, Suite A (Berean Community Church). Public testimony at the hearing, which included representatives from the Berean Community Church, indicated that the parking demand for the existing church result in parking spaces throughout the property being occupied by churchgoers during their hours of operation, which would be exacerbated with the parking demand of the proposed use. As a result, the proposed use is not compatible with developments in the same general area and would be materially detrimental to other properties within the area.

Finding: Granting the minor conditional use permit will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Findings: Based on the public testimony received during the meeting, the close proximity of two similar uses on the same property would be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. Specifically, resulting in a shortage of available on-site parking spaces for other tenants and customers.

Finding: Granting the minor conditional use permit will allow a use, density, or intensity which is not in accordance with the General plan designation.

Facts in Support of Findings: Photographic evidence was presented during the hearing indicating that the existing church use operating at the property creates a shortage of available parking spaces for surrounding tenants and customers. Therefore, granting the minor conditional use permit will allow a use, density, or intensity which is not in accordance with the General Plan designation for the property.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines

Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.

- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.